

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

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Opinion of ~~Committee~~ Kenny Marchant

DISTRICT 99

COMMITTEE CHAIRMAN: INVESTMENTS & BANKING

October 14, 1994

The Honorable Dan Morales
Attorney General of the State of Texas
P.O. Box 12548
Austin, Texas 78711

Dear General Morales:

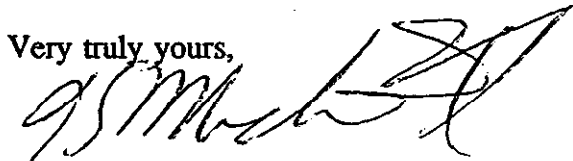
As chair of the Investments & Banking Committee, I request, on behalf of the committee, the opinion of your office on three related matters involving the use of personal computers and modems or other data transmission devices to play card games. For the purpose of this request, "bet" and "private place" have the meanings assigned those terms by Section 47.01, Penal Code, and the term "bulletin board service" means an on-line computer service that allows a person to use the person's personal computer and modem to connect to the service and that offers the person the ability to play card games with other users of the service. In addition, any actions taken by any party in this request are presumed to be taken entirely in Texas by Texas residents.

The questions are:

- (1) May two or more persons, each using a separate personal computer and modem or other data transmission device in a private place, play a card game with each other and bet on the outcome of the card game?
- (2) May a third party operating a bulletin board service assist persons in playing the card games located on that bulletin board service and charge a fee for the amount of computer time and processing charges used by the persons playing the game?
- (3) May a third party operating a bulletin board service act as the custodian of money placed in escrow with that bulletin board service by users of the service for the specific purpose of playing card games with other users of the service?

Thanks you for your assistance with this matter.

Very truly yours,



Kenny Marchant
Chair, Investments and Banking Committee